

REMARKS

Claims 1-12, all the claims pending in the application, stand rejected. Claims 1-12 are cancelled in view of the significant grammatical and stylistic objections to the claims. New claims 13-23, which are believed to overcome all of the Examiner's objections and to contain patentable subject matter, are added.

Specification

The Examiner has objected to the specification due to certain grammatical and idiomatic issues. Applicant has amended the specification to overcome those issues.

Claim Objections

The Examiner has objected to the claims due to certain language that is viewed as inconsistent with U.S. practice. The new claims have been drafted in order to overcome the objection.

Claim Rejections - 35 U.S.C. § 101

Claims 1-12 are rejected under 35 U.S.C. § 101. The Examiner finds language in claim 1 that is interpreted as including the human body. The new claims have been drafted in order to overcome the objection.

Claim Rejections - 35 U.S.C. § 101

Claims 1-6, 9, 11 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Eisermann et al (6,342,055). This rejection is traversed for at least the following reasons.

First, the rejection is moot as to the claims that have been cancelled.

Second, the patent to Eisermann (US 6,342,005B) discloses a bone plate and screws, wherein the screws are inserted through openings 18. The openings 18 have a lead-in chamfer 36 and larger hole section 34. A head portion of the screws is dimensioned to be received by means of snap-fitting in the opening. The fibers are chopped carbon fibers oriented randomly in order to obtain minimal anisotropic behavior. Chopped fibers are short fibers and altogether these fibers are not oriented.

From a review of the patent, it is clear that Eisermann does not disclose a longitudinal slot extending along a substantial portion of its length. Also, Eisermann fails to disclose a

connecting device that squeezes and locks the longitudinal implant into position both by depression caused by squeezing and increased friction between the harder material of the connecting device and the composite material of the implant. Finally, Eisermann does not disclose the feature that the filaments or fibers are aligned lengthwise, so that compression will not change their strength characteristics to any extent even when compressed.

Claim Rejections - 35 U.S.C. § 103

Claims 7, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eisermann et al (6,342,055) in view of Morrison (6,280,445). This rejection is traversed for at least the following reasons.

First, the rejection is moot as to the claims that have been cancelled.

Second, the patent to Eisermann (US 6,342,005B) already has been distinguished and Morrison does not remedy the several deficiencies already identified in Eisermann.

Specifically, Morrison discloses an elongated member 22 and bone screws. The screws are fastened with a washer 42 and a stabilizer 26. Morrison is silent regarding the material of the longitudinal member 22 and does not disclose nor suggest a connecting device which locks a longitudinal implant into position by depression.

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Small et al (EP 0 637 437). This rejection is traversed for at least the following reasons.

First, the rejection is moot as to the claims that have been cancelled.

Second, the patent to Small et al. (EP 0 637 437) discloses a composite spinal apparatus comprising a composite plate provided with an elongated slot for accommodating a bone screw (bolt) 11. A transfer washer 35 interfaces the plate and bone screw. The transfer washer 35 interfaces with semicircular watches 27, 28 at the outer sides of the plate to lock the plate into position. Small does not disclose nor suggest a connecting device that squeezes and locks the longitudinal implant into position both by depression caused by the squeezing and the increased friction between the harder material of the connecting device and the composite material of the longitudinal implant.

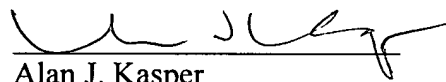
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/506,803

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Alan J. Kasper
Registration No. 25,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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